

### **Remarks**

Claims 117-136 are pending upon entry of the foregoing amendments.

In responding to Applicant's most recently-submitted arguments, the Examiner commented:

[T]he features upon which applicant relies (i.e., the nozzles being positioned alongside sides of the oven cavity) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims.

In this case, the claims only require that gas [be] directed "from left and right sides." The examiner considers that the nozzles do not need to be mounted on the left and right sidewalls of the oven in order to guide gas flow across the cavity as claimed.

See Office Action at pp. 6-7 (citation omitted).

Applicant accordingly presents new claims referring to left and right gas discharge plates either defining, or positioned at, left and right sides of a cooking chamber. Additionally, the claims describe the gas as being directed in "downwardly convergent directions" from the left and right sides of the chamber, further identifying the gas as "collid[ing] . . . in close proximity to . . . the food product." None of these features is disclosed in any of U.S. Patent Nos. 4,409,453 to Smith, 4,737,373 to Forney, and 5,166,487 to Hurley, et al. previously cited by the Examiner.

Indeed, the cited art wholly fails to teach or suggest causing gas to enter a cooking chamber in downwardly convergent directions through apertures in gas discharge plates defining opposing left and right sides of the chamber such that the gas turbulently collides in close proximity to food in order to cook it. Devices of the Smith and Forney patents, by contrast, disclose discharging gas from curved top and bottom walls only--*not* from any side walls. Moreover, although the Forney

patent arguably discloses angled nozzles, the gas from the upper nozzles is *not* oriented so as to collide in close proximity to the food product, and although the Hurley patent discloses introducing gas from opposite sides of a cooking chamber, the introduction is *not* in downwardly converging directions.

Nor does any legitimate rationale exist for combining disclosures of the Smith and Forney patents. The oven of the Smith patent uses vertical jets of columnated “impingement” air to cook food. Clear from the description of the jets is that they remain *undisturbed* prior to impact with the food for maximum effectiveness--even to the extent of spacing the nozzles sufficiently so that return air does not pass through the jets and disturb them. See, e.g., Smith, col. 4, ll. 37-43; col. 8, ll. 12-24. The Smith patent additionally emphasizes the discrete nature of the jets as they impinge on the food surface to produce alternately higher and lower pressure areas on the surface for rapid heat transfer and moisture removal. Mounting nozzles on the side walls of the oven of the Smith patent would create laterally-moving streams of air that would *interfere with* the columnated jets of air, contrary to the express teachings of that patent. For at least this reason, therefore, Applicant requests that claims 117-136 be allowed.

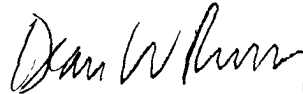
Applicant notes for the Examiner that support for the claims appears in the original figures, including but not limited to Figs. 2, 6, and 8. However, to provide literal, verbatim support and antecedent basis for the currently-presented claims, Applicant has proposed herein amendments to the drawings and specification. These amendments simply put into words and numbers what the figures already show and describe, and thus, Applicant submits that no new matter has been added.

Specifically, the cooking chamber 102a (as recited by original claim 1, for example) is defined separately from the oven cavity 2, in order to more fully clarify the flow of gases within the cooking chamber itself, the area bounded by the right upper and lower discharge plates, the right microwave waveguide, the left upper and lower discharge plates, and the left microwave waveguide. Additionally, the connection between the discharge plates and the waveguide sections, as well as the direction of the gas being delivered to the cooking chamber (both of which are shown in the figures) is put into words.

### **Conclusion**

Applicant requests that the Examiner allow claims 117-136 and that a patent containing these claims issue in due course.

Respectfully submitted,



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TAB A